

APPLICANT(S): ELATA, David et al.  
SERIAL NO.: 10/562,463  
FILED: February 19, 2008  
Page 5

### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1-20 have been examined pending.

Claims 11-20 have been objected to.

Claims 21-22 have been withdrawn from consideration.

Claims 1-20 have been rejected.

Claims 1, 10 and 11 have been amended in this submission. Applicants respectfully assert that the amendments add no new matter.

Claims 2-4, 13-15, 21 and 22 have been cancelled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

### **Claim Objections**

In the Office Action, the Examiner objected to claim 11 because of alleged informalities. Claim 11 has been amended according to the Examiner requirement in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

APPLICANT(S): ELATA, David et al.  
SERIAL NO.: 10/562,463  
FILED: February 19, 2008  
Page 6

## **CLAIM REJECTIONS**

### **35 U.S.C. § 112 Rejections**

In the Office action, the Examiner rejected claims 10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 has been amended to overcome the antecedent basis deficiencies noted by the Examiner as suggested by the Examiner.

It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicants respectfully assert that this amendment renders claim 10 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

### **35 U.S.C. § 102 Rejections**

In the Office action, the Examiner rejected claims 1-9, 11-12 and 14-20 under 35 U.S.C. § 102(b), as being anticipated by Perlov, et al. (US 4,498,850). Applicants respectfully traverse this rejection at least in view of the remarks that follow.

Perlov, et al. disclose a method and device for fluid transfer. The fluid transfer device is manipulated to move fluid from the region of the inlet aperture toward the output aperture where the fluid is expelled. The device comprises a house-like body with a wall having a concavity. Inside the housing there is disposed a magnetically activatable diaphragm capable of forming, in conjunction with the concavity, one or more pocket-like chambers.

Perlov, et al. do not teach or suggest a "device for inducing motion on fluids or solids, the device comprising: a circular structure with a deformable circular sheet compressed to form a continuous structural wave; and an actuator for actuating the deformable circular sheet and driving the structural wave in a predetermined manner and direction", as claimed in amended independent claim 1 (and similarly in amended independent claim 11). Therefore, Perlov, et al. do not anticipate claims 1 and 11 as amended.

APPLICANT(S): ELATA, David et al.  
SERIAL NO.: 10/562,463  
FILED: February 19, 2008  
Page 7

Accordingly, Applicants respectfully assert that amended independent claims 1 and 11 are allowable. Claims 5-9 depend from, directly or indirectly, claim 1, and therefore include all the limitations of this claim, whereas claims 12 and 14-20 depend directly or indirectly from claim 11, and therefore include all the limitations of this claim. Therefore, Applicants respectfully assert that claims 5-9, 12 and 14-20 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claims 1 and 11, to claims 2-9, 12 and 14-20 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-9, 11-12 and 14-20.

### **35 U.S.C. § 103 Rejections**

In the Office action, the Examiner rejected claims 10 and 13 under 35 U.S.C. § 103(a), as being unpatentable over Perlov, et al. in view of Drevet (US 6,659,740).

Applicants respectfully traverse this rejection at least for the reasons that follow. Perlov et al. was discussed above. This discussion is applicable here too.

Drevet discloses vibrating membrane fluid circulator made up of an admission orifice, a pump body and a delivery orifice.

Applicants assert that neither Perlov et al. nor Drevet, alone or in combination, teach or suggest a "device for inducing motion on fluids or solids, the device comprising: a circular structure with a deformable circular sheet compressed to form a continuous structural wave; and an actuator for actuating the deformable circular sheet and driving the structural wave in a predetermined manner and direction", as claimed in amended independent claim 1 (and similarly in amended independent claim 11).

Applicants respectfully traverse the rejection because a prima facie case of obviousness has not been established.

The combination of Perlov et al. and Drevet does not teach or suggest all the elements of amended independent claims 1 and 11, nor does it teach or suggest all the elements of dependent claims 10 and 13 (respectively). Perlov et al. has been discussed above. That

APPLICANT(S): ELATA, David et al.  
SERIAL NO.: 10/562,463  
FILED: February 19, 2008  
Page 8

discussion is applicable here. Drevet is also silent as to "a circular structure with a deformable circular sheet compressed to form a continuous structural wave", and therefore cannot cure the deficiencies of Perlov et al. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 10, and 13.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

/Guy Yonay/

Guy Yonay

Attorney/Agent for Applicant(s)

Registration No. 52,388

Dated: February 25, 2010

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801